Senate File 364 - Introduced

SENATE FILE 364
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1055)

A BILL FOR

- 1 An Act relating to the Iowa sobriety and drug monitoring
- 2 program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

```
1
      Section 1. Section 321J.20, subsection 9, Code 2019, is
 2 amended to read as follows:
      9. Notwithstanding any other provision of law to the
 4 contrary, in any circumstance in which this chapter requires
 5 the installation of an ignition interlock device in all
 6 vehicles owned or operated by a person as a condition of
 7 the person's license or privilege to operate noncommercial
 8 motor vehicles, the department shall require the person to
 9 be a participant in and in compliance with a sobriety and
10 drug monitoring program established pursuant to chapter 901D
ll if the person's offense under this chapter qualifies as an
12 eligible offense as defined in section 901D.2, and the person's
13 offense occurred in a participating jurisdiction, as defined
14 in section 901D.2. The requirement to participate in and
15 comply with a sobriety and drug monitoring program shall
16 continue for the time period required pursuant to section
17 901D.7. The department of public safety shall notify the
18 department when the person has completed participation in the
19 sobriety and drug monitoring program. This subsection shall
20 not apply if the court enters an order finding the person is
21 not required to participate in a sobriety and drug monitoring
22 program. The department, in consultation with the department
23 of public safety, may adopt rules for issuing and accepting a
24 certification of participation in and compliance with a program
25 established pursuant to chapter 901D. This subsection shall be
26 construed and implemented to comply with 23 U.S.C. §164(a), as
27 amended by the federal Fixing America's Surface Transportation
28 Act, Pub. L. No. 114-94, §1414, and shall not apply if such
29 application results in a finding of noncompliance with 23
30 U.S.C. §164 that results or will result in a reservation
31 or transfer of funds pursuant to 23 U.S.C. §164(b). This
32 subsection shall not authorize the operation of a motor vehicle
33 for any purpose not otherwise authorized by this chapter.
34
      Sec. 2. Section 901D.7, subsection 2, Code 2019, is amended
35 to read as follows:
```

S.F. 364

- An order or directive placing a participant in the
- 2 program shall include the type of testing required to be
- 3 administered in the program and the length of time that the
- 4 participant is required to remain in the program which shall
- 5 be for no less than ninety days. The order or directive
- 6 shall additionally require that the participant not have
- 7 failed a test result or have missed a required testing during
- 8 the thirty-day period immediately preceding the end of
- 9 participation in the program. The person issuing the order or
- 10 directive shall send a copy of the order or directive to the
- 11 law enforcement agency of the participating jurisdiction.
- 12 Sec. 3. Section 901D.10, Code 2019, is amended to read as
- 13 follows:
- 14 901D.10 Report and repeal.
- 15 l. The department, in consultation with the judicial branch
- 16 and the department of transportation, shall by December 1,
- 17 2021 2023, submit a report to the general assembly detailing
- 18 the effectiveness of the program established pursuant to
- 19 this chapter and shall make recommendations concerning the
- 20 continued implementation of the program or the elimination of
- 21 the program.
- 22 2. This chapter is repealed July 1, 2022 2024.
- 23 EXPLANATION
- The inclusion of this explanation does not constitute agreement with
- 25 the explanation's substance by the members of the general assembly.
- 26 This bill relates to the Iowa sobriety and drug monitoring
- 27 program.
- 28 The bill provides that an order or directive requiring a
- 29 person to participate in and comply with a sobriety and drug
- 30 monitoring program (Code chapter 901D) shall continue for the
- 31 time period required pursuant to Code section 901D.7.
- 32 The bill requires the department of public safety to notify
- 33 the department of transportation when a participant has
- 34 completed participation in the sobriety and drug monitoring
- 35 program.

S.F. 364

- 1 The bill requires the department of public safety to submit
- 2 a report to the general assembly by December 1, 2023, detailing
- 3 the effectiveness of the program and to make recommendations
- 4 concerning the continued implementation of the program or the
- 5 elimination of the program.
- 6 The bill repeals Code chapter 901D on July 1, 2024.